Supreme Court, U.S.
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No. 96-46

In The

Supreme Court of the United States

October Term, 1995

STEVEN R. ZIELINSKI and JERROLD H. STOCKS,

Petitioners,

v.

RICHARD SCHMALBECK, GERARD V. BRADLEY, JEANNE E. GALVIN and ROBERT BARRY,

Respondents.

On Petition For A Writ Of *Certiorari* To The Appellate Court Of Illinois For The Fourth District

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF *CERTIORARI*

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Dated August 8, 1996

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25 pp

TABLE OF CONTENTS

Page

Statement of Facts 1

Argument 3

Conclusion 15

Appendix ..... App. 1

TABLE OF AUTHORITIES

Page

CASES:

Banks v. State of California, 395 U.S. 708, 89 S.Ct. 1901, 23 L.Ed.2d 653 (1969) 3, 5

Davis v. Scherer, 468 U.S. 1983, 104 S.Ct. 3012, 82 L.Ed.2d 139 (1984) 15

Dugas v. City of Harahan, 978 F.2d 193 (5th Cir., 1992), *rehearing denied*, 983 F.2d 234, *certiorari denied sub nom. Bougere v. Ferrara*, 510 U.S. 813, 114 S.Ct. 60, 126 L.Ed.2d 29 (1993) 10

Harlow v. Fitzgerald, 457 U.S. 800, 818-19, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982) 15

In re: Jordan, 106 Ill.2d 162, 478 N.E.2d 316 (1987) ... 9, 11

Kalish v. Board of Education, 151 Ill.App.3d 969, 510 N.E.2d 1103 (1st Dist., 1987) 10

Parrillo, Weiss & Moss v. Cashion, 181 Ill.App.3d 920, 537 N.E.2d 851 (1st Dist., 1989) 10

Paul v. Davis, 424 U.S. 693, 96 S.Ct. 1155 (1976) 12

Republic Gas Co. v. Oklahoma, 334 U.S. 62, 68 S.Ct. 972, 92 L.Ed.2d 1212 (1948) 5

Rothman v. Emory University, 828 F.Supp. 537 (N.D.Ill. 1993) 10

Siegert v. Gilley, 500 U.S. 226, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991) 14

Starnes v. Int'l Harvester Co., 141 Ill.App.3d 652, 490 N.E.2d 1062 (4th Dist., 1986) 10

Trotter v. Kincar, 748 F.2d 1177 (7th Cir., 1984) 10

Valkas v. Rodriguez, 728 F.2d 1293 (10th Cir., 1984) 10

TABLE OF AUTHORITIES – Continued

Page

STATUTES AND RULES:

28 U.S.C. § 1257 ..... 3, 4, 5

42 U.S.C. § 1983 ..... *passim*

Illinois Supreme Court Rule 137 2

STATEMENT OF FACTS

Petitioner, Steven R. Zielinski, graduated from the University of Illinois School of Law and was awarded a degree of *juris doctor*. He applied for a license to practice law in the State of Illinois. (C-2) As a part of that process he signed forms which included an Authorization and Release for the Illinois Board of Law Examiners and Character and Fitness Committee. This document authorizes the Committee to investigate him and authorizes persons who have information about him to provide it to the Committee. It further releases the Committee and any person who provides information to the Committee from any and all liability whatsoever arising out of the investigation or the "furnishing, inspection or use" of such information. (C-228).

The Respondent furnished information to the Committee. The Dean of the Law School, Richard Schmalbeck, did not recommend the Plaintiff. Petitioner's Application for Admission to the Bar was also opposed by the other Respondents here: Gerard Bradley, a former law professor at the Law School; Father Robert Barry; and Jeanne Galvin, a former law school classmate. Each provided information to the Committee. The Committee processed the application, held a hearing and ultimately recommended the Petitioner for admission to the Bar. He received his license to practice. (C-25, 26) He then sued the people who had not supported his Application.

The Complaint contains 12 counts pleaded in 42 pages. It is signed by both Plaintiff and his attorney, Petitioner Jerrold H. Stocks. Theories are alleged under 42 U.S.C. § 1983 against Schmalbeck, Bradley and Galvin

which describe a host of claimed rights of which Respondents allegedly deprived Petitioner. (Counts I, II, V). In addition, Petitioner sued Bradley (Count III), Galvin (Count IV) and Barry (Count XII) for defamation under state law. The Complaint also contains state law theories of malicious prosecution/abuse of process (Count VI), intentional infliction of emotional distress (Count VII and VIII) and intentional interference with prospective economic advantage (Counts IX and X) against both Bradley and Galvin. Finally, in Count XI, Petitioner sued for injunctive relief under 42 U.S.C. § 1983 to expunge allegedly improper material in his record at the law school.

The trial court dismissed each count with prejudice and awarded sanctions under Illinois Supreme Court Rule 137. In ruling on Respondents' motions for sanctions, the court commented:

> But this case gravely disturbs me. It appears to me that at every step the Plaintiff has been attempting to do nothing but strain immensely the boundaries of the law in an attempt to sidestep the obvious status of clear statements of law in this state with respect to each and every Count that was contained in this Complaint . . . It concerns me for the defendants if they are continued to be put to expense in defending what appears to me to be nothing more than a suit by the plaintiff out of anger, out of misdirected rage, towards these defendants. The Court finds that there has been no real good faith argument presented for the reversal or extension of existing law with respect to the

> Counts that are contained in the original Complaint which the Court has stricken. And therefore, the request for sanctions will be allowed.

(Supplement to Record, R.86-87) The Appellate Court of Illinois for the Fourth District affirmed the trial court's decision and the Supreme Court of Illinois denied Petitioner's Request for Leave to Appeal. (Pet.App. 1a, 2a-37a) Petitioner thereby filed his Petition for Writ of *Certiorari* to this Court.

ARGUMENT

I. AS TO FATHER ROBERT BARRY THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED BECAUSE NO FEDERAL QUESTION IS PRESENTED

Father Barry is named as Respondent in the caption of the Petition for Writ of Certiorari. However, no federal action was ever filed against him. He was named as a Defendant in a state law defamation theory. (Count XII, C-37; see Decision of the Fourth District Appellate Court at Pet.App. 18a.)

Moreover, when the Plaintiff filed the Petition for Leave to Appeal to the Illinois Supreme Court from the Fourth District's opinion, the Plaintiff preserved only the sanctions issue and did not appeal from the substantive ruling on Count XII. (See Notice of Filing, App. 2-3) Therefore, as to Father Barry, the writ should be denied because there is no federal issue presented. 28 U.S.C. § 1257; *Banks v. State of California*, 395 U.S. 708, 89 S.Ct. 1901, 23 L.Ed.2d 653 (1969).

II. AS TO JEANNE GALVIN THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED BECAUSE PETITIONERS DID NOT OBTAIN A REVIEW BY THE ILLINOIS SUPREME COURT AND THEREFORE, THIS COURT LACKS JURISDICTION

Jeanne Galvin was a law student and a recent graduate at the time relevant in the Complaint. She was sued under 42 U.S.C. § 1983, in a count which alleged her participation with Dean Schmalbeck and Professor Bradley. (Count V, C22; Decision of the Fourth District Appellate Court, Pet.App. 14a.) She was also sued under state law theories of defamation, malicious prosecution, intentional infliction of emotional distress, and intentional interference with prospective economic advantage. (Counts IV, VI, VIII and X, C17-22, C23-27, C29-31, C32-34; Decision of Fourth of District Appellate Court, Pet.App. 13a-14a, 16a-17a.)

After the Appellate Court of Illinois affirmed the decision of the trial court on February 17, 1995, Petitioners sought leave to appeal Count I, Count II, Count III and Count XI of the Complaint together with the judgments and sanctions against them and in favor of Defendants, Schmalbeck, Bradley and Barry, to the Illinois Supreme Court. (See Notice of Filing at Resp.App. 4-6.) None of these counts apply to Galvin. Thus, Petitioners never sought review by the Illinois Supreme Court of any issues relating to Jeanne Galvin.

The Supreme Court of the United States has jurisdiction to review final judgments rendered by the highest court of a state in which a decision could be had. 28 U.S.C. § 1257(a). However, the Supreme Court of the

United States has no jurisdiction to review a state intermediate court decision where the Petitioner failed to seek review by the state's highest court of the intermediate court's decision. *Banks v. State of California*, 395 U.S. 708, 89 S.Ct. 1901, 23 L.Ed.2d 653 (1969). In *Banks*, the United States Supreme Court dismissed a Petition for a Writ of *Certiorari* because the Petitioner did not ask the Supreme Court of California to review the judgment entered by the Court of Appeals. *Banks*, 395 U.S. at 708. This Court noted that the decision rendered by the Court of Appeals was not the final judgment by the highest court in a state in which a decision could be had. Thus, this Court held that it lacked jurisdiction under 28 U.S.C. § 1257 to review the intermediate court's decision. *Id.*

The Petitioner has the burden of establishing that the United States Supreme Court has jurisdiction to review a judgment of a state court. *Republic Gas Co. v. Oklahoma*, 334 U.S. 62, 68 S.Ct. 972, 92 L.Ed.2d 1212 (1948). Because the Petitioners here failed to ask the Illinois Supreme Court to review the judgment as it related to Galvin, this Court lacks jurisdiction to review it.

III. AS TO UNIVERSITY DEFENDANTS, DEAN RICHARD SCHMALBECK AND PROFESSOR GERARD BRADLEY THE PETITION FOR WRIT OF *CERTIORARI* SHOULD BE DENIED BECAUSE: 1) ZIELINSKI SIGNED A RELEASE WHICH COVERS THESE RESPONDENTS; 2) RESPONDENTS ARE PROTECTED BY ABSOLUTE IMMUNITY FOR FURNISHING INFORMATION TO A QUASI-JUDICIAL BODY; 3) THERE IS NO CONSTITUTIONALLY PROTECTED PROPERTY OR LIBERTY INTEREST AT STAKE; AND, 4) RESPONDENTS IN THEIR INDIVIDUAL CAPACITIES ARE PROTECTED BY QUALIFIED IMMUNITY

Dean Schmalbeck was sued under 42 U.S.C. § 1983 in Counts I and XI. (C7, C34-37; Decision of the Fourth District Appellate Court at Pet.App. 5a-8a, 17a) Count I claimed damages and Count XI was for injunctive relief. Professor Gerard Bradley was sued under 42 U.S.C. § 1983 in Count II. (C7-12, Decision of the Fourth District Appellate Court, Pet.App. 8a.) Professor Bradley was also sued under state law theories of defamation, malicious prosecution, intentional infliction of emotional distress and intentional interference with prospective economic advantage. (C12-17, C23-29, C31-32; Counts III, VI, VII, IX; Decision of the Appellate Court, Pet.App. 9a-13a, 14a-17a.)

Petitioner timely preserved all issues with respect to Schmalbeck and Bradley by filing their Petition for Leave to Appeal to the Illinois Supreme Court from the Decision of the Fourth District Appellate Court. However, Petitioners have considerably delayed filing of this Petition for Writ of Certiorari to this Court. Originally, a Petition

was sent for filing within the required 90 day time frame from the denial of the Petition for Leave to Appeal from the Illinois Supreme Court. That Petition was rejected for failure to comply with certain rules of this Court. The Petitioners were advised to correct the deficiencies and promptly return the Petition in the required form. That notification of the Clerk of the United States Supreme Court was dated September 22, 1995. The Petition was returned for filing nine months later on July 9, 1996, more than 10 months after the Petition was originally due to be filed. In the meantime, the Illinois Supreme Court released its mandate on June 23, 1995, and Respondents are in the process of getting the bond which secured the judgment released. There has been no showing of any excuse, reasonable or not, for the extraordinarily long delay in filing a Petition which conformed to the rules. Petitioners have effectively more than tripled the time for filing a Petition in this Court.

A. Petitioner Executed a Release of All Persons Who Furnished Documents, Records, or Other Information to the Illinois Board of Law Examiners.

Although the Appellate Court of Illinois reached substantive issues under 42 U.S.C. § 1983, including issues of immunity and state action, in fact this case could have turned on simple contract principals of release. As part of Petitioner's application for the bar examination and his license to practice law, he executed a release which is set out, in part, at page 5 of the Decision of the Appellate

Court. (See decision of the Fourth District Appellate Court at Pet.App. 5a.) In relevant part, that release states:

> As in inducement to the Illinois Board of Law Examiners and/or any Character and Fitness Committee to investigate and reach a determination respecting my moral character, reputation and fitness for the practice of law, I hereby release, discharge and exonerate the Illinois Board of Law Examiners, the Character and Fitness Committee, their members, agents and representatives, and any person or entity furnishing documents, records or other information, from any and all liability of every nature and kind arising out of any such investigation or out of the furnishing, inspection or use of such documents, records, and other information.

(C128; Decision of the Fourth District Appellate Court at Pet.App. 5a; the Release itself is included in the Appendix to this Brief at Resp.App. 1-3.) The decision of the trial court as to the § 1983 counts turned on this release as an alternative ground of its decision. (See, Memorandum of Decision, at Pet.App. 46a-47a, 51a.) The Petition for a Writ of *Certiorari* can be denied based simply on the fact that the authorization and release executed by Petitioner Zielinski bars the allegations raised in the Complaint. This document authorizes the Character and Fitness Committee to investigate the applicant and authorizes persons who have information about him to provide it to the Committee. This document further releases the Committee and anyone who provides information to the Committee from any and all liability. This was and is an enforceable release. In executing it, Petitioner fulfilled part of his responsibility to the Board of Law Examiners

and the Character and Fitness Committee to make available information about his fitness to practice law, an issue upon which he bore the burden of proof. *In Re: Jordan*, 106 Ill.2d 162, 478 N.E.2d 316 (1987).

By releasing those who provided information to the Committee, he aided the process; he gave inducement to persons who might otherwise not have come forward. Thus, the trial court properly relied upon it in its alternative holding dismissing of the Complaint. While the Fourth District Appellate Court did not specifically deal with the release, there is no issue raised here that the release is not effective or non-binding and the existence of the release requires that the decision below be affirmed. Therefore, the remaining issues in the case need not be addressed by this Court.

B. The Decision Below Reached the Proper Result in Granting Absolute Immunity to Those Who Provide Information to the Character and Fitness Committee.

Zielinski complains of a delay in getting his law license following his graduation from the University of Illinois School of Law because the four people named in this lawsuit provided information to the Character and Fitness Committee in opposition to his application to get a law license. The Character and Fitness Committee held a hearing and recommended that Zielinski receive his license. He did receive his license and was admitted to the Bar of the State of Illinois. He then filed a lawsuit against the four who opposed his application.

In *Kalish v. Board of Education*, 151 Ill.App.3d 969, 510 N.E.2d 1103 (1st Dist., 1987), the court was presented with a similar complaint. In that case, the court held that those who provided information to the Board of Law Examiners/Character and Fitness Committee, were entitled to absolute immunity. Similar immunities have been granted to persons filing complaints to the Judicial Inquiry Board in Illinois. (See *Starnes v. Int'l Harvester Co.*, 141 Ill.App.3d 652, 490 N.E.2d 1062 (4th Dist., 1986); see also, *Rothman v. Emory University*, 828 F.Supp. 537 (N.D.Ill. 1993). These cases turned on a finding that the Character and Fitness Committee and the Board of Law Examiners are quasi-judicial bodies and that the concept of absolute immunity from civil liability was necessary to the functioning of these boards. See also *Dugas v. City of Harahan*, 978 F.2d 193 (5th Cir., 1992), *re-hearing denied*, 983 F.2d 234, *certiorari denied sub nom. Bougere v. Ferrara*, 510 U.S. 813, 114 S.Ct. 60, 126 L.Ed.2d 29 (1993).

In addition, although state law immunities do not necessarily preclude liability under 42 U.S.C. § 1983, federal courts have also recognized absolute privilege for statements made to quasi-judicial bodies. See *Trotter v. Kincar*, 748 F.2d 1177, 1181-82 (7th Cir., 1984); *Valkas v. Rodriguez*, 728 F.2d 1293, (10th Cir., 1984). In Illinois, the Character and Fitness Committee solicits information, holds hearings, subpoenas witnesses, determines facts and makes recommendations to the Supreme Court on the candidates for admission to the Bar. While the Committee's recommendations may not be dispositive, that is but one factor to consider on the question of privilege and immunity. See, *Parrillo, Weiss & Moss v. Cashion*, 181 Ill.App.3d 920, 537 N.E.2d 851, 854-55 (1st Dist., 1989).

This is a quasi-judicial body and absolute immunity is warranted. The trial court and the Appellate Court correctly determined that any statements made to the Character and Fitness Committee are absolutely privileged.

C. There is Neither a Constitutionally Protected Property Interest Nor Liberty Interest of Which This Petitioner Has Been Deprived

Petitioner received his degree from the University of Illinois School of Law and applied for a license to practice for admission to the Bar of the State of Illinois. Part of that application process is a screening by the Character and Fitness Committee. The burden is on the applicant to establish his character and fitness. *In re: Jordan,* 106 Ill.2d 162, 478 N.E.2d 316 (1987). A hearing process has been set up to deal with questions that arise. Zielinski went through that hearing process and gained admission to the Bar. It is implied in the Petition for a Writ of *Certiorari,* at pages 28 and 29, that graduation from the University of Illinois School of Law is, in effect, a certification of moral character sufficient for the Character and Fitness Committee to issue a license and which binds a dean of a law school to issue a certificate of good moral character. Specifically, ¶ 12 of Count I alleges that Zielinski has the "right" to the Dean's recommendation and he argued before the Appellate Court that the Dean has a ministerial duty to recommend him. He argued the Dean has *no* discretion in issuing a certificate of good moral character. (Appellant's Brief to the Appellate Court for the Fourth Appellate District of Illinois, at 16.) There is no such right in the law and no cases have been cited which suggest that such a right exists.

Freedom from "pain, humiliation, inconvenience and expense" of the hearing process before the Committee on Character and Fitness is not protected under § 1983 and no cases have ever so held. While Petitioner says we must look to the "nature" of the interest at stake, the constitutional interest at stake here is not identified. Zielinski makes the conclusory argument that the Dean's refusal to issue a certificate of good moral character somehow diminishes the law degree which he received. But, in Illinois, the Dean does not have authority to issue a license to practice law and, in fact, has only the authority to give to the Character and Fitness Committee his opinion on the qualifications of the candidate before it.

In this case, the Dean brought to the Committee's attention the opinions of several others, including professor Gerry Bradley, law student Jeanne Galvin and Father Robert Barry, that the Plaintiff should not be licensed to practice. The Dean himself expressed no opinion on the issue but, in light of the opinions of the others, declined to give his certificate of good moral standing. Respondents are unaware of any law which requires the Dean to issue a certificate of good moral standing under circumstances similar to these. It does not appear that there is either a liberty or a property interest at stake which entitles this Petitioner to such a certificate from the Dean.

Plaintiff complains that his reputation was damaged by false statements made about him before and during the investigation process being conducted. Mere defamation, without more, does not satisfy the "stigma plus" test of *Paul v. Davis*, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976). In *Paul v. Davis*, this Court rejected the theory that

defamation by a public official constitutes a claim for relief under 42 U.S.C. § 1983 and the Fourteenth Amendment. This Court held that the distribution of flyers to local merchants which included a photo of Respondent identifying him with many others as individuals known to have been arrested or active in criminal fields in high density shopping areas did not deprive Respondent of a liberty or property interest secured by the Constitution of the United States. Respondent argued that the presence of his photograph in the "Active Shoplifters" flyer deprived him of a liberty interest protected by the Fourteenth Amendment. He urged that the "active shoplifter" designation would inhibit him from entering business establishments for fear of being a shoplifting suspect and possibly apprehended, and would likewise seriously impair his future employment opportunities. *Id.* at 697. However, this Court noted that "liberty" and "property" as used in the Fourteenth Amendment "do not in terms single out reputation as a candidate for special protection over and above other interests that may be protected by state law." *Id.* at 701. This Court further reasoned that reputation apart from some more tangible interests, such as employment, has not been held to invoke the procedural protection of the Due Process Clause. No constitutional doctrine converts defamation by a public official into a deprivation of liberty as defined by the Due Process Clause. *Id.* at 701-02.

> And any harm or injury to that interest, even where as here inflicted by an officer of the state, does not result in a deprivation of any "liberty" or "property" recognized by state or federal law, nor has it worked any change of Respondent's status as therefore recognized under the state's

> law. For these reasons we hold that the interest in reputation asserted in this case is neither "liberty" or "property" guaranteed against state deprivation without due process of law.

Id. at 712; see also, *Siegert v. Gilley*, 500 U.S. 226, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991).

In this case, Zielinski must also show a change in the fundamental relationship between the State and himself in order to obtain relief under 42 U.S.C. § 1983. But there was no such fundamental alteration in that relationship. Petitioner applied for a law license and the Character and Fitness Committee required a hearing. Petitioner had the burden of proof. He had his hearing on his application and he established, to the satisfaction of the committee, his good moral character. He obtained his license to practice. Whether or not the statements made about him were defamatory is relevant under § 1983 only if he can show a substantial alteration in his relationship with the State. Because he applied for the license and because he had the burden of proof on the issue, the mere fact that he had a hearing procedure should not be held to constitute a substantial change.

Nor was he deprived of any property interest. He received his diploma from the school of law and he received his law license after a hearing. The hearing was part of the process to obtain a license, a process that he freely entered. Zielinski was admitted to the Bar after completion of the hearing. He has lost no discernable property interest whatsoever.

D. Respondents, Richard Schmalbeck, Gerard V. Bradley, Jeanne E. Galvin and Robert Barry Are Protected by Qualified Immunity.

While the Appellate Court of Illinois did not reach this issue, it is clear from the discussion above that Respondents Schmalbeck and Bradley are protected by qualified immunity from the damages sought against them in Counts I and II. The thrust of the Petition here argues against the application of absolute immunity. However, these counts were brought under 42 U.S.C. § 1983 against Respondents, individually, for damages. It is unclear what constitutional right is at stake here, much less one that was clearly established in statutory or constitutional law. *Harlow v. Fitzgerald*, 457 U.S. 800, 818-19, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982); see also, *Davis v. Scherer*, 468 U.S. 1983, 104 S.Ct. 3012, 82 L.Ed.2d 139 (1984).

CONCLUSION

For the foregoing reasons Respondents pray that the Petition for Writ of *Certiorari* be denied.

Respectfully submitted,

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EXHIBIT A

AUTHORIZATION AND RELEASE

I, Steven R. Zielinski (Name), born at Chicago (City), Illinois (State), on 04-11-58 (Date), having filed an application for admission to the bar of Illinois, do hereby consent to have an investigation made by or on behalf of the Illinois Board of Law Examiners, State of Illinois, and/or any of the several Character and Fitness Committees of the State of Illinois as to my moral character, reputation and fitness for the practice of law. I agree to give any further information which may be required in reference to my past record.

I also authorize and request every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish to the Illinois Board of Law Examiners for subsequent use by the Character and Fitness Committee or directly to any Character and Fitness Committee, any such information, including documents, records, bar association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Board of law Examiners and/or a Character and Fitness Committee, or any of their agents or representatives, to inspect and make copies of such documents, records and other information. I understand and agree that all documents, records and other information furnished to a Character and Fitness Committee are privileged and confidential, and the furnishing of such documents, records and other

information, and the contents thereof, shall not be the basis of any suit by me or on my behalf in law or equity.

I authorize the Illinois Board of Law Examiners and/or any Character and Fitness Committee to obtain any information from my official record on file with Local Board Number N/A of the Selective Service System, located in the City of N/A, State of N/A, and further authorize the Department of the N/A
(Army, Navy, Air Force)
to furnish the Illinois Board of Law Examiners and/or any Character and Fitness Committee, the record of each period of my service therein, and to furnish my service record for each period; and do hereby consent to and authorize the release of such information by the Selective Service System and Department of the N/A.
(Army, Navy, Air Force)
My Serial number was N/A.

As an inducement to the Illinois Board of Law Examiners and/or any Character and Fitness Committee to investigate and reach a determination respecting my moral character, reputation and fitness for the practice of law. I hereby release, discharge and exonerate the Illinois Board of Law Examiners, the Character and Fitness Committee, their members, agents and representatives, and any person or entity furnishing documents, records or other information, from any and all liability of every nature and kind arising out of any such investigation or out of the furnishing, inspection or use of such documents, records, and other information.

/s/ Steven R. Zielinski
Signature of Applicant

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

Subscribed and sworn to before me this 30th day of April , A.D., 1992 .

/s/ Richard Cohen
Notary Public
OFFICIAL SEAL
RICHARD COHEN
NOTARY PUBLIC STATE
OF ILLINOIS
MY COMMISSION
EXPIRES FEB 25, 1994

No. 4-94-0484

IN THE APPELLATE COURT OF THE
STATE OF ILLINOIS
FOURTH DISTRICT

STEVEN R. ZIELINSKI, Plaintiff/Appellant and JERROLD H. STOCKS, His Attorney, Appellant, RICHARD SCHMALBECK, GERARD V. BRADLEY, JEANNE GALVIN and ROBERT BARRY, Appellees.	Appeal from the Circuit Court of the Sixth Judicial Circuit Champaign County, Illinois Case No. 93-L-607 Dan L. Flannell Judge Presiding

NOTICE OF FILING

To: Attorneys of record for Defendants/Appellees

You are hereby notified that Steven R. Zielinski, Plaintiff/Appellant, and his attorney, Jerrold H. Stocks, Appellant, intend to appeal to the Supreme Court of Illinois from the judgment entered in the Appellate Court of Illinois, Fourth District, on February 17, 1995 affirming the judgment as it relates to (1) The dismissal of Count I of the Complaint; (2) The dismissal of Count II of the Complaint; (3) The dismissal of Count III of the Complaint as it relates to the May 5, 1992 defamation alleged therein; (4) The dismissal of Count XI of the Complaint;

and (5) The judgments of sanction against Zielinski and his attorney, Jerrold H. Stocks, in favor of Defendants, Schmalbeck/Bradley, and Defendant, Barry. Submitted herewith are the Affidavits of Appellants, copies of which are attached hereto.

STEVEN R. ZIELINSKI,
Plaintiff/Appellant, and
JERROLD H. STOCKS, His
Attorney, Appellant,

BY: WINTERS, FEATHERSTUN,
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POSTLEWAIT & STOCKS,
His Attorneys,

By: /s/ Jerrold H. Stocks

CERTIFICATE OF SERVICE

I certify that on the 10th day of March, 1995, at 10:00 o'clock A. m., I deposited a copy of the foregoing in a U.S. Post Office Box at 250 North Water Street, Decatur, Illinois, enclosed in an envelope with proper postage prepaid, addressed to the following in the manner set forth:

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